



Senate

General Assembly

File No. 54

January Session, 2011

Senate Bill No. 937

Senate, March 14, 2011

The Committee on Labor and Public Employees reported through SEN. PRAGUE of the 19th Dist., Chairperson of the Committee on the part of the Senate, that the bill ought to pass.

***AN ACT CONCERNING THE RIGHT TO ORGANIZE FOR CERTAIN
STATE EMPLOYEES AND GRADUATE ASSISTANTS AT STATE
UNIVERSITIES.***

Be it enacted by the Senate and House of Representatives in General Assembly convened:

1 Section 1. Section 5-270 of the general statutes is repealed and the
2 following is substituted in lieu thereof (*Effective from passage*):

3 When used in sections 5-270 to 5-280, inclusive, as amended by this
4 act:

5 (1) "Bureau heads" means individuals who head a major division of
6 a state agency and report to the head or deputy head of such agency,
7 provided: (A) The number of bureau heads of any state agency shall
8 not exceed the greater of (i) one, or (ii) one-half of one per cent of the
9 total number of permanent full-time employees of the employer,
10 rounded to the next lowest whole number; (B) the number of bureau
11 heads in the state executive branch shall not exceed one-half of one per
12 cent of the total number of permanent full-time employees in the

13 branch, rounded to the next lowest whole number, and the number of
14 bureau heads in the state judicial branch shall not exceed one-half of
15 one per cent of the total number of permanent full-time employees in
16 the branch, rounded to the next lowest whole number; and (C) if a
17 state agency has more major divisions than the number of bureau
18 heads permitted to an employer by this subdivision, the major
19 divisions shall be ranked by the number of permanent full-time
20 employees in each, and any individual heading a major division with a
21 smaller number of permanent full-time employees shall be excluded
22 from being classified as a bureau head before any individual heading a
23 major division with a larger number of full-time employees.

24 [(a)] (2) "Employer" means the state of Connecticut, its executive,
25 legislative and judicial branches, including, without limitation, any
26 board, department, commission, institution, or agency of such
27 branches or any appropriate unit thereof and any board of trustees of a
28 state-owned or supported college or university and branches thereof,
29 public and quasi-public state corporation, or authority established by
30 state law, or any person or persons designated by the employer to act
31 in its interest in dealing with employees, but shall not include the State
32 Board of Labor Relations or the State Board of Mediation and
33 Arbitration.

34 [(b)] (3) "Employee" means any employee of an employer, whether
35 or not in the classified service of the employer, [except] including any
36 graduate student enrolled at The University of Connecticut or at a state
37 university in the Connecticut State University system who (A)
38 conducts research or training, has administrative responsibilities or
39 conducts academic support projects or programs, except regular
40 preparation of instructional materials for courses, manual work, or
41 clerical assignments, under the supervision of a member of the faculty
42 or academic staff of the university at which the graduate student is
43 enrolled, or (B) is assigned teaching and related responsibilities, other
44 than manual work or clerical responsibilities, under the supervision of
45 a member of the faculty of the university at which the graduate
46 student is enrolled. "Employee" does not include elected or appointed

47 officials other than special deputy sheriffs, board and commission
48 members, disability policy specialists assigned to the Council on
49 Developmental Disabilities, [managerial employees] bureau heads,
50 employees of the Office of State Capitol Police at or above the rank of
51 lieutenant and confidential employees.

52 [(c)] (4) "Professional employee" means: [(1)] (A) Any employee
53 engaged in work [(A)] (i) predominantly intellectual and varied in
54 character as opposed to routine mental, manual, mechanical or
55 physical work; [(B)] (ii) involving the consistent exercise of discretion
56 and judgment in its performance; [(C)] (iii) of such a character that the
57 output produced or the result accomplished cannot be standardized in
58 relation to a given time period; [(D)] (iv) requiring knowledge of an
59 advanced type in a field of science or learning customarily acquired by
60 a prolonged course of specialized intellectual instruction and study in
61 an institution of higher learning or a hospital, as distinguished from a
62 general academic education or from an apprenticeship or from training
63 in the performance of routine mental, manual or physical processes; or
64 [(2)] (B) any employee who has completed the courses of specialized
65 intellectual instruction and study described in [subsection (c)(1)(D)]
66 subparagraph (A)(iv) of this subdivision and is performing related
67 work under the supervision of a professional person to qualify himself
68 or herself to become a professional employee as defined in [subsection
69 (c)(1)] subparagraph (A) of this subdivision.

70 [(d)] (5) "Employee organization" means any lawful association,
71 labor organization, federation or council having as a primary purpose
72 the improvement of wages, hours and other conditions of employment
73 among state employees.

74 [(e)] (6) "Confidential employee" means any public employee who
75 would have access to confidential information used in collective
76 bargaining.

77 [(f)] (7) "Supervisory employee" means any individual in a position
78 in which the principal functions are characterized by not fewer than
79 two of the following: [(1)] (A) Performing such management control

80 duties as scheduling, assigning, overseeing and reviewing the work of
81 subordinate employees; [(2)] (B) performing such duties as are distinct
82 and dissimilar from those performed by the employees supervised;
83 [(3)] (C) exercising judgment in adjusting grievances, applying other
84 established personnel policies and procedures and in enforcing the
85 provisions of a collective bargaining agreement; and [(4)] (D)
86 establishing or participating in the establishment of performance
87 standards for subordinate employees and taking corrective measures
88 to implement those standards, provided in connection with any of the
89 foregoing the exercise of such authority is not merely of a routine or
90 clerical nature, but requires the use of independent judgment, and
91 such individuals shall be employees within the meaning of [subsection
92 (b)] subdivision (3) of this section. The above criteria for supervisory
93 positions shall not necessarily apply to police or fire departments.

94 [(g)] (8) "Managerial employee" means any individual in a position
95 in which the principal functions are characterized by not fewer than
96 two of the following, provided for any position in any unit of the
97 system of higher education, one of such two functions shall be as
98 specified in [subdivision (4) of this subsection: (1)] subparagraph (D) of
99 this subdivision: (A) Responsibility for direction of a subunit or facility
100 of a major division of an agency or assignment to an agency head's
101 staff; [(2)] (B) development, implementation and evaluation of goals
102 and objectives consistent with agency mission and policy; [(3)] (C)
103 participation in the formulation of agency policy; or [(4)] (D) a major
104 role in the administration of collective bargaining agreements or major
105 personnel decisions, or both, including staffing, hiring, firing,
106 evaluation, promotion and training of employees. Such individuals
107 shall be employees within the meaning of subdivision (3) of this
108 section.

109 Sec. 2. Subsection (a) of section 5-278 of the general statutes is
110 repealed and the following is substituted in lieu thereof (*Effective from*
111 *passage*):

112 (a) When an employee organization has been designated, in

113 accordance with the provisions of sections 5-270 to 5-280, inclusive, as
114 amended by this act, as the exclusive representative of employees in an
115 appropriate unit, the employer shall be represented in collective
116 bargaining with such employee organization in the following manner:
117 (1) In the case of an executive branch employer, including the Division
118 of Criminal Justice, by the chief executive officer whether elected or
119 appointed, or his or her designated representative, [;] who shall
120 maintain a close liaison with the legislature relative to the negotiations
121 and the potential fiscal ramifications of any proposed settlement; (2) in
122 the case of a judicial branch employer, by the Chief Court
123 Administrator, or his or her designated representative; [and] (3) in the
124 case of each segment of the system of higher education, the faculty and
125 professional employees shall negotiate with their own board of
126 trustees or its designated representative; and (4) in the case of the
127 legislative branch, the executive director of the Joint Committee on
128 Legislative Management, or his or her designated representative.

129 Sec. 3. Subdivision (30) of section 5-196 of the general statutes is
130 repealed and the following is substituted in lieu thereof (*Effective from*
131 *passage*):

132 (30) "Managerial employee" means any person presently covered by
133 the existing managerial compensation plan pursuant to [subsection (g)]
134 subdivision (8) of section 5-270, as amended by this act.

135 Sec. 4. Subsection (b) of section 5-200c of the general statutes is
136 repealed and the following is substituted in lieu thereof (*Effective from*
137 *passage*):

138 (b) Upon the completion of the studies referred to in subdivisions
139 (2) and (3) of subsection (a) of this section and the implementation of
140 the results of such studies, collective bargaining negotiations
141 concerning wage changes as a result of objective job evaluations shall
142 commence not later than April 1, 1993. Notwithstanding the provisions
143 of subsection (a) of section 5-278, as amended by this act, such
144 negotiations shall be conducted between the employer, as defined in
145 [subsection (a)] subdivision (2) of section 5-270, as amended by this act,

146 and a coalition committee which represents all state employees who
147 are members of any designated employee organization. The results of
148 any such negotiations shall be implemented as of July 1, 1995. All wage
149 inequities shall be deemed to have been eliminated upon the
150 implementation of such results. Nothing in this subsection shall be
151 deemed to affect any appeal related to any objective job evaluation
152 studies previously taken or allowed or any litigation pending on June
153 25, 1991, or to prohibit the continued use of a point factor value system
154 for the evaluation of newly created job classifications.

155 Sec. 5. Section 5-226f of the general statutes is repealed and the
156 following is substituted in lieu thereof (*Effective from passage*):

157 Notwithstanding the provisions of subsection (d) of section 5-272
158 the employer, as defined in [subsection (a)] subdivision (2) of section 5-
159 270, as amended by this act, and an employee organization, as defined
160 in [subsection (d)] subdivision (5) of [said] section 5-270, as amended
161 by this act, as the exclusive representative of employees in an
162 appropriate unit, may engage in a pilot program to discuss the state
163 classifications and examination system. Neither party may negotiate
164 pursuant to the provisions of section 5-276a, as amended by this act.
165 Any agreement reached by the parties shall be reduced to writing and
166 submitted to the General Assembly pursuant to the provisions of
167 subsection (b) of section 5-278.

168 Sec. 6. Subsection (a) of section 5-248i of the general statutes is
169 repealed and the following is substituted in lieu thereof (*Effective from*
170 *passage*):

171 (a) The Commissioner of Administrative Services shall, within
172 available appropriations, develop and implement guidelines, in
173 cooperation with interested employee organizations, as defined in
174 [subsection (d)] subdivision (5) of section 5-270, as amended by this
175 act, authorizing telecommuting and work-at-home programs for state
176 employees. Such guidelines shall be designed to achieve the following
177 goals: (1) Increase worker efficiency and productivity; (2) benefit the
178 environment; and (3) reduce traffic congestion. The guidelines of the

179 telecommuting or work-at-home program and determination of
180 whether an employment position is appropriate for such program shall
181 not be subject to collective bargaining under the provisions of chapter
182 68.

183 Sec. 7. Subsection (a) of section 5-276a of the general statutes is
184 repealed and the following is substituted in lieu thereof (*Effective from*
185 *passage*):

186 (a) In the event that either the employer, as defined in [subsection
187 (a)] subdivision (2) of section 5-270, as amended by this act, or a
188 designated employee organization, as defined in [subsection (d)]
189 subdivision (5) of [said] section 5-270, as amended by this act, may
190 desire negotiations with respect to an original or successor collective
191 bargaining agreement, such party, not more than three hundred thirty
192 days prior to the expiration of the existing collective bargaining
193 agreement or less than one hundred fifty days prior thereto, shall serve
194 written notice thereof upon the other party. Negotiations shall
195 commence within thirty days of such service. Negotiations as to wage
196 reopeners shall commence within twenty days of receipt by one party
197 of a written notice with respect thereto, served in accordance with the
198 provisions of any such reopener in the affected contract or, if none is
199 stated therein, not more than sixty days or less than thirty days prior to
200 the effective date of such reopener.

201 Sec. 8. Subdivision (7) of section 9-601 of the general statutes is
202 repealed and the following is substituted in lieu thereof (*Effective from*
203 *passage*):

204 (7) "Organization" means all labor organizations, (A) as defined in
205 the Labor-Management Reporting and Disclosure Act of 1959, as from
206 time to time amended, or (B) as defined in subdivision (9) of section
207 31-101, employee organizations as defined in [subsection (d)]
208 subdivision (5) of section 5-270, as amended by this act, and
209 subdivision (6) of section 7-467, bargaining representative
210 organizations for teachers, any local, state or national organization, to
211 which a labor organization pays membership or per capita fees, based

212 upon its affiliation or membership, and trade or professional
213 associations which receive their funds exclusively from membership
214 dues, whether organized in or outside of this state, but does not mean
215 a candidate committee, party committee or a political committee.

216 Sec. 9. Section 32-23e of the general statutes is repealed and the
217 following is substituted in lieu thereof (*Effective from passage*):

218 To accomplish the purposes of the authority, as defined in
219 subsection (t) of section 32-23d, which are hereby determined to be
220 public purposes for which public funds may be expended, and in
221 addition to any other powers provided by law, the authority shall have
222 power to: (1) Determine the location and character of any project to be
223 financed under the provisions of said chapters and sections, provided
224 any financial assistance shall be approved in accordance with written
225 procedures prepared pursuant to subdivision (14) of this section; (2)
226 purchase, receive, by gift or otherwise, lease, exchange, or otherwise
227 acquire, and construct, reconstruct, improve, maintain, equip and
228 furnish one or more projects, including all real and personal property
229 which the authority may deem necessary in connection therewith, and
230 to enter into a contract with a person therefor upon such terms and
231 conditions as the authority shall determine to be reasonable, including
232 but not limited to reimbursement for the planning, designing,
233 financing, construction, reconstruction, improvement, equipping,
234 furnishing, operation and maintenance of the project and any claims
235 arising therefrom and establishment and maintenance of reserve and
236 insurance funds with respect to the financing of the project; (3) insure
237 any or all payments to be made by the borrower under the terms of
238 any agreement for the extension of credit or making of a loan by the
239 authority in connection with any economic development project to be
240 financed, wholly or in part, through the issuance of bonds or mortgage
241 payments of any mortgage which is given by a mortgagor to the
242 mortgagee who has provided the mortgage for an economic
243 development project upon such terms and conditions as the authority
244 may prescribe and as provided herein, and the faith and credit of the
245 state are pledged thereto; (4) in connection with the insuring of

246 payments of any mortgage, request for its guidance a finding of the
247 municipal planning commission, or, if there is no planning
248 commission, a finding of the municipal officers, of the municipality in
249 which the economic development project is proposed to be located, or
250 of the regional planning agency of which such municipality is a
251 member, as to the expediency and advisability of the economic
252 development project; (5) sell or lease to any person, all or any portion
253 of a project, purchase from eligible financial institutions mortgages
254 with respect to economic development projects, purchase or
255 repurchase its own bonds, and sell, pledge or assign to any person any
256 such bonds, mortgages, or other loans, notes, revenues or assets of the
257 authority, or any interest therein, for such consideration and upon
258 such terms as the authority may determine to be reasonable; (6)
259 mortgage or otherwise encumber all or any portion of a project
260 whenever it shall find such action to be in furtherance of the purposes
261 of said chapters and sections; (7) enter into agreements with any
262 person, including prospective mortgagees and mortgagors, for the
263 purpose of planning, designing, constructing, acquiring, altering and
264 financing projects, providing liquidity or a secondary market for
265 mortgages or other financial obligations incurred with respect to
266 facilities which would qualify as a project under this chapter,
267 purchasing loans made by regional corporations under section 32-276,
268 or for any other purpose in furtherance of any other power of the
269 authority; (8) grant options to purchase or renew a lease for any of its
270 projects on such terms as the authority may determine to be
271 reasonable; (9) employ or retain attorneys, accountants and
272 architectural, engineering and financial consultants and such other
273 employees and agents and to fix their compensation and to employ the
274 Connecticut Development Credit Corporation on a cost basis as it shall
275 deem necessary to assist it in carrying out the purposes of said
276 authority legislation; (10) borrow money or accept gifts, grants or loans
277 of funds, property or service from any source, public or private, and
278 comply, subject to the provisions of said authority legislation, with the
279 terms and conditions thereof; (11) accept from a federal agency loans,
280 grants or loan guarantees or otherwise participate in any loan, grant,

281 loan guarantee or other financing or economic or project development
282 program of a federal agency in furtherance of, and consistent with, the
283 purposes of the authority, and enter into agreements with such agency
284 respecting any such loans, grants, loan guarantees or federal agency
285 programs; (12) provide tenant lease guarantees and performance
286 guarantees, invest in, extend credit or make loans to any person for the
287 planning, designing, financing, acquiring, constructing, reconstructing,
288 improving, expanding, continuing in operation, equipping and
289 furnishing of a project and for the refinancing of existing indebtedness
290 with respect to any facility or part thereof which would qualify as a
291 project in order to facilitate substantial improvements thereto, which
292 guarantees, investments, credits or loans may be secured by loan
293 agreements, lease agreements, installment sale agreements, mortgages,
294 contracts and all other instruments or fees and charges, upon such
295 terms and conditions as the authority shall determine to be reasonable
296 in connection with such loans, including provision for the
297 establishment and maintenance of reserve and insurance funds and in
298 the exercise of powers granted in this section in connection with a
299 project for such person, to require the inclusion in any contract, loan
300 agreement or other instrument, such provisions for the construction,
301 use, operation and maintenance and financing of a project as the
302 authority may deem necessary or desirable; (13) in connection with
303 any application for assistance under said authority legislation, or
304 commitments therefor, to make and collect such fees and charges as
305 the authority shall determine to be reasonable; (14) adopt procedures,
306 in accordance with the provisions of section 1-121, to carry out the
307 provisions of said authority legislation, which may give priority to
308 applications for financial assistance based upon the extent the project
309 will materially contribute to the economic base of the state by creating
310 or retaining jobs, providing increased wages or benefits to employees,
311 promoting the export of products or services beyond the boundaries of
312 the state, encouraging innovation in products or services, encouraging
313 defense-dependent business to diversify to nondefense production,
314 promoting standards of participation adopted by the Connecticut
315 partnership compact pursuant to section 33-374g of the general

316 statutes, revision of 1958, revised to 1991, or will otherwise enhance
317 existing activities that are important to the economic base of the state,
318 provided regulation-making proceedings commenced before January
319 1, 1989, shall be governed by sections 4-166 to 4-174, inclusive; (15)
320 adopt an official seal and alter the same at pleasure; (16) maintain an
321 office at such place or places within the state as it may designate; (17)
322 sue and be sued in its own name and plead and be impleaded, service
323 of process in any action to be made by service upon the executive
324 director of said authority either in hand or by leaving a copy of the
325 process at the office of the authority with some person having charge
326 thereof; (18) employ such assistants, agents and other employees as
327 may be necessary or desirable for its purposes, which employees shall
328 be exempt from the classified service and shall not be employees, as
329 defined in [subsection (b)] subdivision (3) of section 5-270, as amended
330 by this act; establish all necessary or appropriate personnel practices
331 and policies, including those relating to hiring, promotion,
332 compensation, retirement and collective bargaining, which need not be
333 in accordance with chapter 68 and the authority shall not be an
334 employer, as defined in [subsection (a)] subdivision (2) of section 5-
335 270, as amended by this act; contract for and engage appraisers of
336 industrial machinery and equipment, consultants and property
337 management services, and utilize the services of other governmental
338 agencies; (19) when it becomes necessary or feasible for the authority
339 to safeguard itself from losses, acquire, purchase, manage and operate,
340 hold and dispose of real and personal property, take assignments of
341 rentals and leases and make and enter into all contracts, leases,
342 agreements and arrangements necessary or incidental to the
343 performance of its duties; (20) in order to further the purposes of said
344 authority legislation, or to assure the payment of the principal and
345 interest on bonds or notes of the authority or to safeguard the
346 mortgage insurance fund, purchase, acquire and take assignments of
347 notes, mortgages and other forms of security and evidences of
348 indebtedness, purchase, acquire, attach, seize, accept or take title to
349 any project by conveyance or, by foreclosure, and sell, lease or rent any
350 project for a use specified in said chapters and sections or in this

351 chapter; (21) adopt rules for the conduct of its business; (22) invest any
352 funds not needed for immediate use or disbursement, including any
353 funds held in reserve, in obligations issued or guaranteed by the
354 United States of America or the state of Connecticut and in other
355 obligations which are legal investments for savings banks in this state;
356 (23) do, or delegate, any and all things necessary or convenient to carry
357 out the purposes and to exercise the powers given and granted in said
358 authority legislation; provided, in all matters concerning the internal
359 administrative functions of the authority which are funded by
360 amounts appropriated by the state to the authority or to the
361 department, the procedures of the state relating to office space,
362 supplies, facilities, materials, equipment and professional services shall
363 be followed, and provided further, that in the acquisition by the
364 authority of real estate involving the use of appropriated funds or
365 bonds supported by the full faith and credit of the state, the authority
366 shall be subject to the provisions of section 4b-23; (24) to accept from
367 the department: (A) Financial assistance, (B) revenues or the right to
368 receive revenues with respect to any program under the supervision of
369 the department, and (C) loan assets or equity interests in connection
370 with any program under the supervision of the department; to make
371 advances to and reimburse the department for any expenses incurred
372 or to be incurred by it in the delivery of such assistance, revenues,
373 rights, assets or amounts; to enter into agreements for the delivery of
374 services by the authority, in consultation with the department, the
375 Connecticut Housing Finance Authority and Connecticut Innovations,
376 Incorporated, to third parties which agreements may include
377 provisions for payment by the department to the authority for the
378 delivery of such services; and to enter into agreements with the
379 department or with the Connecticut Housing Finance Authority or
380 Connecticut Innovations, Incorporated for the sharing of assistants,
381 agents and other consultants, professionals and employees, and
382 facilities and other real and personal property used in the conduct of
383 the authority's affairs; and (25) to transfer to the department: (A)
384 Financial assistance, (B) revenues or the right to receive revenues with
385 respect to any program under the supervision of the authority, and (C)

386 loan assets or equity interests in connection with any program under
387 the supervision of the authority, provided the transfer of such financial
388 assistance, revenues, rights, assets or interests is determined by the
389 authority to be practicable, within the constraints and not inconsistent
390 with the fiduciary obligations of the authority imposed upon or
391 established upon the authority by any provision of the general statutes,
392 the authority's bond resolutions or any other agreement or contract of
393 the authority and to have no adverse effect on the tax-exempt status of
394 any bonds of the authority or the state.

395 Sec. 10. Subdivision (7) of section 32-39 of the general statutes is
396 repealed and the following is substituted in lieu thereof (*Effective from*
397 *passage*):

398 (7) To employ such assistants, agents and other employees as may
399 be necessary or desirable, which employees shall be exempt from the
400 classified service and shall not be employees, as defined in [subsection
401 (b)] subdivision (3) of section 5-270, as amended by this act; establish
402 all necessary or appropriate personnel practices and policies, including
403 those relating to hiring, promotion, compensation, retirement and
404 collective bargaining, which need not be in accordance with chapter
405 68, and the corporation shall not be an employer as defined in
406 [subsection (a)] subdivision (2) of section 5-270, as amended by this act;
407 and engage consultants, attorneys and appraisers as may be necessary
408 or desirable to carry out its purposes in accordance with this chapter.

409 Sec. 11. Subsection (b) of section 32-602 of the general statutes is
410 repealed and the following is substituted in lieu thereof (*Effective from*
411 *passage*):

412 (b) For [these] purposes of subsection (a) of this section, the
413 authority shall have the following powers: (1) To have perpetual
414 succession as a body corporate and to adopt procedures for the
415 regulation of its affairs and the conduct of its business as provided in
416 subsection (f) of section 32-601, to adopt a corporate seal and alter the
417 same at its pleasure, and to maintain an office at such place or places
418 within the city of Hartford as it may designate; (2) to sue and be sued,

419 to contract and be contracted with; (3) to employ such assistants,
 420 agents and other employees as may be necessary or desirable to carry
 421 out its purposes, which employees shall be exempt from the classified
 422 service and shall not be employees, as defined in [subsection (b)]
 423 subdivision (3) of section 5-270, as amended by this act, to fix their
 424 compensation, to establish and modify personnel procedures as may
 425 be necessary from time to time and to negotiate and enter into
 426 collective bargaining agreements with labor unions; (4) to acquire,
 427 lease, hold and dispose of personal property for the purposes set forth
 428 in this section; [32-602;] (5) to procure insurance against any liability or
 429 loss in connection with its property and other assets, in such amounts
 430 and from such insurers as it deems desirable and to procure insurance
 431 for employees; (6) to invest any funds not needed for immediate use or
 432 disbursement in obligations issued or guaranteed by the United States
 433 of America or the state of Connecticut, including the Short Term
 434 Investment Fund, and the Tax-Exempt Proceeds Fund, and in other
 435 obligations which are legal investments for savings banks in this state
 436 and in time deposits or certificates of deposit or other similar banking
 437 arrangements secured in such manner as the authority determines; and
 438 (7) to do all acts and things necessary or convenient to carry out the
 439 purposes of and the powers expressly granted by this section.

This act shall take effect as follows and shall amend the following sections:		
Section 1	<i>from passage</i>	5-270
Sec. 2	<i>from passage</i>	5-278(a)
Sec. 3	<i>from passage</i>	5-196(30)
Sec. 4	<i>from passage</i>	5-200c(b)
Sec. 5	<i>from passage</i>	5-226f
Sec. 6	<i>from passage</i>	5-248i(a)
Sec. 7	<i>from passage</i>	5-276a(a)
Sec. 8	<i>from passage</i>	9-601(7)
Sec. 9	<i>from passage</i>	32-23e
Sec. 10	<i>from passage</i>	32-39(7)
Sec. 11	<i>from passage</i>	32-602(b)

LAB *Joint Favorable*

The following Fiscal Impact Statement and Bill Analysis are prepared for the benefit of the members of the General Assembly, solely for purposes of information, summarization and explanation and do not represent the intent of the General Assembly or either chamber thereof for any purpose. In general, fiscal impacts are based upon a variety of informational sources, including the analyst's professional knowledge. Whenever applicable, agency data is consulted as part of the analysis, however final products do not necessarily reflect an assessment from any specific department.

OFA Fiscal Note

State Impact:

Agency Affected	Fund-Effect	FY 12 \$	FY 13 \$
Various State Agencies	All Funds - Potential Cost	Indeterminate	Indeterminate

Municipal Impact: None

Explanation

The bill provides collective bargaining rights to state managers (excluding bureau heads), most legislative employees and certain graduate assistants at state universities.

The fiscal impact to the state is indeterminate as any costs associated with the bill would depend upon the outcome of collective bargaining negotiations. The number of employees impacted by the bill are as follows: approximately 2,595 managers statewide¹, 430 legislative employees (including managers), and 2,413 graduate assistants at the University of Connecticut and the four universities of the Connecticut State University System.

The Out Years

The annualized ongoing fiscal impact identified above would continue into the future subject to the outcome of collective bargaining negotiations.

¹ This figure does not include managers from the constituent units of higher education.

OLR Bill Analysis**SB 937*****AN ACT CONCERNING THE RIGHT TO ORGANIZE FOR CERTAIN STATE EMPLOYEES AND GRADUATE ASSISTANTS AT STATE UNIVERSITIES.*****SUMMARY:**

This bill permits more state employees to join unions by providing collective bargaining rights to state managers, most legislative employees, and certain graduate assistants at state universities.

It also creates the title “bureau head,” exempts bureau heads from collective bargaining, and limits how many of these positions can be in a department or agency.

It also makes conforming changes.

EFFECTIVE DATE: Upon passage

MANAGERS

The bill permits state managers, who are currently barred from collective bargaining, to unionize. It also provides criteria for determining when some managers are to be considered bureau heads and excludes them from collective bargaining. It defines a “bureau head” as anyone who heads a major division of a state agency and reports to the agency’s head or deputy.

The bill also limits how many managerial employees can be reclassified as bureau heads. It allows an agency to have (1) one bureau head or (2) bureau heads numbering up to 0.5% of its permanent, full-time employees, whichever is greater. This means an agency with fewer than 400 permanent, full-time employees can have, at most, one bureau head.

It bars the Executive and Judicial branches from having a total number of bureau heads that exceeds 0.5% of each branch's permanent, full-time employees, but does not include a limit for the Legislative Branch.

Under the bill, if the number of an agency's major divisions exceeds bureau heads allowed, a major division head who has more permanent, full-time employees must be designated a bureau head before one who has fewer employees.

LEGISLATIVE BRANCH

Under current law, the Legislative Branch is excluded from state employee collective bargaining. The bill expands the definition of "employer" to include the Legislative Branch, thus giving legislative employees collective bargaining rights. But it excludes State Capitol Police employees at or above the rank of lieutenant from collective bargaining.

The bill specifies that when a union is designated as the exclusive representative of an employee unit in the Legislative Branch, the executive director of the Legislative Management Committee, or her representative, must represent the employer in bargaining.

GRADUATE ASSISTANTS

The bill allows graduate students enrolled in the University of Connecticut or Connecticut State University system to collectively bargain if:

1. under a faculty member's or academic staff member's supervision, they (a) conduct research or training, (b) have administrative responsibilities, or (c) conduct academic support projects or programs, not including regular preparation of instructional materials for courses, manual work, or clerical assignment or
2. under a faculty member's supervision, they are assigned teaching and related responsibilities, not including manual

work or clerical responsibilities.

BACKGROUND

Employee Organization in Collective Bargaining

Under the state employee collective bargaining law (CGS §§ 5-270 to -280), an “employee organization” means any lawful association, labor organization, federation, or council having as a primary purpose the improvement of wages, hours, and other conditions of employment among state employees. The law gives employees the right to join an employee organization in order to bargain collectively. When the Labor Relations Board designates such an organization as the representative of the majority of employees in an appropriate unit, the organization:

1. must be recognized by the employer as the exclusive bargaining agent for the employees of the unit,
2. must be given the right to act for and negotiate agreements covering all unit employees and must represent the interests of all employees without discrimination, and
3. has the duty to fairly represent all unit employees.

COMMITTEE ACTION

Labor and Public Employees Committee

Joint Favorable

Yea 10 Nay 1 (03/01/2011)